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7 **UNITED STATES DISTRICT COURT**
8 **DISTRICT OF NEVADA**

9
10 UNITED STATES OF AMERICA,

11 Plaintiff,

12 v.

13 JOSHUA A. MARTINEZ,

14 Defendant.

Case No. 2:21-cr-00219-APG-DJA

**STIPULATION TO CONTINUE
MOTION DEADLINES AND TRIAL
DATES**
(Fourth Request)

15
16 IT IS HEREBY STIPULATED AND AGREED, by and between Jason M. Frierson,
17 United States Attorney, and Daniel Schiess, Assistant United States Attorney, counsel for the
18 United States of America, and Rene L. Valladares, Federal Public Defender, and Joanne L.
19 Diamond, Assistant Federal Public Defender, counsel for Joshua Martinez, that the calendar
20 call currently scheduled for October 25, 2022 at 9:00 a.m., and the trial scheduled for October
21 31, 2022 at 9:00 a.m., be vacated and set to a date and time convenient to this Court, but no
22 sooner than ninety (90) days.

23 IT IS FURTHER STIPULATED AND AGREED, that the parties herein shall have to
24 and including November 7, 2022, to file any and all pretrial motions and notices of defense.

25 IT IS FURTHER STIPULATED AND AGREED, by and between the parties, that they
26 shall have to and including November 21, 2022, to file any and all responsive pleadings.

1 IT IS FURTHER STIPULATED AND AGREED, by and between the parties, that they
2 shall have to and including November 28, 2022, to file any and all replies to dispositive motions.

3 The Stipulation is entered into for the following reasons:

4 1. Counsel for the defendant has reviewed the discovery and begun her
5 investigation but requires additional time to complete the investigation and determine whether
6 there are any pretrial issues that must be litigated and whether the case will ultimately go to
7 trial or resolve through negotiations.

8 2. The defendant is out of custody and does not object to the continuance.

9 3. The parties agree to the continuance.

10 4. The additional time requested is not sought for purposes of delay, but merely to
11 allow counsel for defendant sufficient time within which to complete the investigation in order
12 to effectively advise Mr. Martinez about his case.

13 5. Additionally, denial of this request for continuance could result in a miscarriage
14 of justice. The additional time requested by this Stipulation is excludable in computing the time
15 within which the trial herein must commence pursuant to the Speedy Trial Act, Title 18, United
16 States Code, Section 3161(h)(7)(A), considering the factors under Title 18, United States Code,
17 Section 3161(h)(7)(B)(i), (iv).

18 This is the fourth stipulation to continue filed herein.

19 DATED this 29th day of July, 2022.

20 RENE L. VALLADARES
21 Federal Public Defender

JASON M. FRIERSON
United States Attorney

22 By /s/ Joanne L. Diamond

By /s/ Daniel Schiess

23 JOANNE L. DIAMOND
Assistant Federal Public Defender

DANIEL SCHIESS
Assistant United States Attorney

1 **UNITED STATES DISTRICT COURT**

2 **DISTRICT OF NEVADA**

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4 UNITED STATES OF AMERICA,

5 Plaintiff,

6 v.

7 JOSHUA A. MARTINEZ,

8 Defendant.

Case No. 2:21-cr-00219-APG-DJA

FINDINGS OF FACT, CONCLUSIONS
OF LAW AND ORDER

9
10 **FINDINGS OF FACT**

11 Based on the pending Stipulation of counsel, and good cause appearing therefore, the
12 Court finds that:

13 1. Counsel for the defendant has reviewed the discovery and begun her
14 investigation but requires additional time to complete the investigation and determine whether
15 there are any pretrial issues that must be litigated and whether the case will ultimately go to
16 trial or resolve through negotiations.

17 2. The defendant is out of custody and does not object to the continuance.

18 3. The parties agree to the continuance.

19 4. The additional time requested is not sought for purposes of delay, but merely to
20 allow counsel for defendant sufficient time within which to complete the investigation in order
21 to effectively advise Mr. Martinez about his case.

22 5. Additionally, denial of this request for continuance could result in a miscarriage
23 of justice. The additional time requested by this Stipulation is excludable in computing the time
24 within which the trial herein must commence pursuant to the Speedy Trial Act, Title 18, United
25 States Code, Section 3161(h)(7)(A), considering the factors under Title 18, United States Code,
26 Section 3161(h)(7)(B)(i), (iv).

CONCLUSIONS OF LAW

The ends of justice served by granting said continuance outweigh the best interest of the public and the defendant in a speedy trial, since the failure to grant said continuance would be likely to result in a miscarriage of justice, would deny the parties herein sufficient time and the opportunity within which to be able to effectively and thoroughly prepare for trial, taking into account the exercise of due diligence.

The continuance sought herein is excludable under the Speedy Trial Act, Title 18, United States Code, Section § 3161 (h)(7)(A), when the considering the factors under Title 18, United States Code, § 3161(h)(7)(B)(i), (iv).

ORDER

IT IS THEREFORE ORDERED that the parties herein shall have to and including November 7, 2022 to file any and all pretrial motions and notice of defense.

IT IS FURTHER ORDERED that the parties shall have to and including November 21, 2022 to file any and all responses.

IT IS FURTHER ORDERED that the parties shall have to and including November 28, 2022 to file any and all replies.

IT IS FURTHER ORDERED that trial briefs, proposed voir dire questions, proposed jury instructions, and a list of the Government's prospective witnesses must be electronically submitted to the Court by the ____ day of _____, 2023, by the hour of 4:00 p.m.

IT IS FURTHER ORDERED that the calendar call currently scheduled for October 25, 2022, at the hour of 9:00 a.m., be vacated and continued to _____ at the hour of ____:____.m.; and the trial currently scheduled for October 31, 2022, at the hour of 9:00 a.m., be vacated and continued to _____ at the hour of ____:____.m.

DATED this ____ day of July, 2022.

UNITED STATES DISTRICT JUDGE